



INNABI LAW GROUP, APC

Via Facsimile and U.S. Mail: (323) 571-3579

December 16, 2013

Brad S. Kane
Kane Law Firm
1154 S. Crescent Hts. Blvd.
Los Angeles, CA 90035
Tel: (323) 697-9840

Re: Muasher v. Wonder Nights, LLC dba Byblos Restaurant

Our Client: Raad Mausher
Your Client: Wonder Lights, LLC dba Byblos Restaurant
Location: 1964 Westwood Blvd., Los Angeles, CA 90025
Listed Chemical: Nicotine and Tobacco
Civil Case No.: SC119960

Dear Mr. Kane:

Wonder Lights, LLC dba Byblos Restaurant, (the "Violator") whose business is located at 1964 Westwood Blvd., Los Angeles, CA 90025, is in violation of Proposition 65, more formally known as the "Safe Drinking Water and Toxic Enforcement Act of 1986" ("Proposition 65"). See Health and Safety Code section 25249.6 et seq.

As you know, "No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water..." Health and Safety Code section 25249.5. Furthermore, "No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving a clear and reasonable warning..." Health and Safety Code section 25249.6.

As more fully set forth in the notice contained herein, your client violated Proposition 65 by exposing patrons and employees of its establishment, Byblos Restaurant, to tobacco and nicotine generated by it allowing and encouraging smoking at such establishment in violation of state law and local ordinances.

60-DAY NOTICE OF VIOLATION

Pursuant to California Health and Safety Code section 25249.7(d)

I. Parties

This Notice of Violation is given by Abdalla Innabi, The Innabi Law Group, 2500 E. Colorado Blvd., # 230, Pasadena, CA 91107, (626) 395-9555, to Wonder Lights, LLC dba Byblos Restaurant, (the "Violator") whose business is located at 1964 Westwood Blvd., Los Angeles, CA 90025.

II. Nature of alleged Violation (Product Exposure)

Since your client has owed the business, Violator knowingly and intentionally exposed its patrons, employees, and the public, in general, to chemicals known to cause or contribute to cancer and developmental toxicity without first giving clear and reasonable warning of that fact to the persons exposed. The source of the exposure was tobacco smoke **nicotine and tobacco** from tobacco-based products (i.e. cigarettes, cigars, and hookah), which Violator sold and allowed to be smoked at its business, Byblos Restaurant, located at 1964 Westwood Blvd. in Los Angeles, in contravention of state laws. Attached as Exhibit "A" are photographs from Violator's own website and Facebook pages depicting cigarettes, cigars, and hookah being illegally smoked indoors at its fully enclosed business location. **Nicotine** (Chemical Abstracts Service registry no. 54-11-5) and **tobacco** are a listed chemicals regulated by Proposition 65 which is known to cause **cancer and have developmental** toxicity on humans. The persons affected by exposure include patrons (including minors) who frequented Byblos Restaurant, waiters, performers, hosts, and other staff who passed through the area of the restaurant where Violator unlawfully permitted and encouraged smoking during the relevant period. The means of exposure was through inhalation of second hand smoke created by the patrons and members of Violator's business who engaged in the unlawful smoking within the restaurant.

II. Notice Information

Businesses that expose individuals to listed chemicals, such as nicotine and tobacco, or discharge listed chemicals, must comply with the following requirements:

Provide clear and reasonable warnings: A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. A business must be aware that it is causing an exposure, and the exposure must result from a deliberate act, like the sale of a product. There is no requirement that a business is aware that the exposure violates the law, or intends to violate the law or cause harm. The warning given must be "clear and reasonable." It must: (1) clearly communicate that the chemical is known to cause cancer, and/or birth defects or other reproductive harm; and (2) effectively reach the person before exposure.

Private parties acting in the public interest can bring Proposition 65 lawsuits upon such notice. If a business is found to be in violation of Proposition 65, a court may order the business to stop committing the violation. The business is also subject to civil penalties of up to \$2,500.00 per day for each violation. Lastly, the business may also be responsible for reasonable attorney's fees in prosecuting this case.

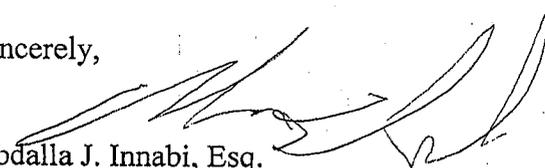
For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's (OEHHA) Proposition 65 Implementation Office at (916) 445-6900. For your client's reference, we have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA attached hereto as Exhibit "B."

III. Resolution of Noticed Claims

Please be advised that plaintiff will amend the current civil complaint against the Violator to add a separate cause of action for its violation Proposition 65 unless the Violator enters into a binding written agreement to: (1) enjoin the use and consumption of nicotine based products within its enclosed portion of its business; (2) provide clear and reasonable warnings for nicotine based products sold in the future and; (3) pay appropriate civil penalties and attorney's fees based on the factors enumerated in California Health and Safety Code section 25249.7, subd. (b). If the Violator is interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact our office. It should be noted that our office can neither finalize any settlement until after the appropriate 60-day notice period has expired nor speak for the Attorney General or and District or City Attorney who received this notice.

I look forward to hearing from you.

Sincerely,


Abdalla J. Innabi, Esq.
Counsel
Innabi Law Group, APC

Enclosures:

cc: Office of the California Attorney General
District Attorney's Office, County of Los Angeles
Office of the City Attorney, Los Angeles

CERTIFICATE OF MERIT

Health and Safety Code section 25249.7(d)

I, Abdalla J. Innabi, hereby declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged that the party identified in the notice has violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warning;
2. I am the attorney for the noticing party;
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of this action;
4. Based on the information obtained through those consultations, and all other information in my possession, I believe there is a reasonable and meritorious case for private action. I understand that "reasonable and meritorious case for private action" means that the information provides credible basis that all elements of plaintiff's case can be established and the information did not prove that the alleged Violator will be able to establish any of the affirmative defenses set forth in the statute;
5. I have consulted with toxicology and environment expert Mark K. Goldstein, Ph.D. of Quantum Group Inc. I have been provided with publications which provide epidemiological studies of tobacco and nicotine exposure (second and first hand) and serious life threatening diseases and birth defects. Among these articles are *Tobacco Smoke Carcinogens, DNA Damage and P53 Mutations in Smoking-Associated Cancers*, Gerd P Pfeifer, Mikhail F Denissenko, Magali Olivier, Natalia Tretyakova, Stephen S Hecht and Pierre Hainaut, Division of Biology, Beckman Research Institute of the City of Hope, and *Harms of Smoking and Health Benefits of Quitting*, National Cancer Institute at the National Institutes of Health. The emphasis of these articles is to explain the scientific links between tobacco and various diseases, and therefore stressed the need to avoid or at least to warn of the exposure to tobacco-based products. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action.

6. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for the certificate, including information indentified in Health and Safety Code section 25249.7(h)(2) (i.e., (1) the identity of the persons consulted with and relied on by the certifier, and the (2) the facts, studies, or other data reviewed by those persons).

Date: December 16, 2013



Abdalla J. Innabi

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is 2500 E. Colorado Blvd., Suite 230, Pasadena, CA 91107

On December 16, 2013, I served the following:

- 60-Day Notice
- Exhibit "A" – Photographs
- Exhibit "B" - Proposition 65: Summary
- Certificate of Merit

on the alleged violator listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope addressed to the entity listed below and providing such envelope to a United States Postal Service Representative:

Brad S. Kane
Kane Law Firm c/o Wonder Lights, LLC dba Byblos Restaurant
1154 S. Crescent Hts. Blvd.
Los Angeles, CA 90035

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to each party listed below, and served as follows:

Office of the California Attorney General Proposition 65 Enforcement Reporting Attention: Prop 65 Coordinator 1515 Clay Street, Suite 2000 Post Office Box 70550 Oakland, California 94612 (via Federal Express)	The Honorable Jackie Lacey District Attorney's Office County of Los Angeles 210 West Temple Street, Suite 18000 Los Angeles, CA 90012 (via U.S. Mail)
The Honorable Mike Feuer Office of the City Attorney, Los Angeles 200 North Main Street Los Angeles, CA 90012 (via U.S. Mail)	

Executed on December 16, 2013 at Pasadena, California.



Donna D'Amore

EXHIBIT "A"

**CONTENTS OF EXHIBIT A
OMITTED TO PROTECT PRIVACY**